



NORTHERN TERRITORY OF AUSTRALIA

No. 46 of 1984

AN ACT

To amend the *Energy Pipelines Act*

[Assented to 25 September 1984]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Energy Pipelines Amendment Act 1984*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

In this Act the *Energy Pipelines Act* is referred to as the Principal Act.

4. INTERPRETATION

Section 3(1) of the Principal Act is amended by omitting the definition of "public authority" and substituting the following:

"'public authority' means -

- (a) a minister acting in his official capacity under an Act;
- (b) a statutory corporation; or
- (c) a council within the meaning of the *Local Government Act*;"

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5. APPLICATION, &c.

Section 4 of the Principal Act is amended -

(a) by omitting from sub-section (1)(a) "or the *Dangerous Goods Act*"; and

(b) by inserting after sub-section (1) the following:

"(1A) Subject to sub-section (1B), the *Dangerous Goods Act* does not apply to or in relation to a pipeline in respect of which a licence under this Act is in force or to a substance conveyed by such a pipeline while it is being so conveyed.

"(1B) Nothing in sub-section (1A) exempts a person from the need to comply with the *Dangerous Goods Act* in relation to the storage, conveyance or use of dangerous goods, within the meaning of that Act, in or in connection with the construction, maintenance or repair of a pipeline referred to in that sub-section."

6. APPLICATION FOR LICENCE

Section 13(1) of the Principal Act is amended by omitting from paragraph (b) "sub-section (2) and (3)" and substituting "sub-section (2)".

7. SECURITY

Section 18 of the Principal Act is amended by omitting from sub-sections (3), (5) and (6) "section 17" and substituting "section 17(2)(a)".

8. LICENCE FEES

Section 30(1) of the Principal Act is amended by omitting "C is the diameter" and substituting "C is the average internal diameter".

9. POWER OF MINISTER TO ENSURE CONTINUED USE OF PIPELINE

Section 43(9) of the Principal Act is amended by omitting ", but such a direction shall be subject to the former licensee's rights under section 64(1)".

10. REGISTER OF LICENCES

Section 44(5) of the Principal Act is amended by omitting "section 43(1)" and substituting "section 46(1)".

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11. POWERS OF INSPECTOR

Section 64 of the Principal Act is amended by inserting before sub-section (1) the following:

"(1A) An inspector has such powers as are given to him by or under this Act."

12. NEW SECTION

The Principal Act is amended by inserting after section 64 the following:

"64A. INSPECTOR MAY CAUSE CERTAIN WORK TO STOP

"(1) Where, in the opinion of an inspector, work of any kind being carried out on land within a corridor 25 m in width having as its centre line an imaginary line connecting markers erected in accordance with directions given under section 40, or as prescribed, marking the position of a pipeline in respect of which a licence is in force, other than work being carried out -

(a) by or on behalf, and under the supervision, of the licensee; or

(b) under, and in accordance with the conditions of, a consent referred to in section 66A,

may cause damage to the pipeline, he may direct the person carrying out the work to cease carrying out that work.

"(2) A person directed under sub-section (1) shall comply with and not contravene the direction.

Penalty: \$10,000 or imprisonment for 5 years."

13. REPEAL AND SUBSTITUTION

Section 66 of the Principal Act is repealed and the following substituted:

"66. THREAT TO PIPELINE

"A person who, on land within a corridor 25 m in width having as its centre line an imaginary line connecting markers erected in accordance with directions given under section 40, or as prescribed, marking the position of a pipeline in respect of which a licence is in force -

(a) excavates, bores or otherwise opens up or disturbs, or compacts by mechanical means, the surface of the land; or

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- (b) except when using a public road, or a public or private right of way on which such a thing is permitted, brings onto or across the land, or causes or allows to be brought onto or across the land, a vehicle, trailer, engine, carriage, compacting machine or mobile structure or a thing of a similar kind,

without the consent of the licensee of the pipeline, an inspector, the Minister or the delegate of the Minister is guilty of an offence.

Penalty: In the case of an offence against paragraph (a) - \$10,000 or imprisonment for 5 years.

In the case of an offence against paragraph (b) - \$1,000 or imprisonment for 6 months."
